

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:19-CV-509-D

SYNGENTA CROP PROTECTION, LLC,)
)
Plaintiff,)
)
v.)
)
ATTICUS, LLC,)
)
Defendant.)

ORDER

This matter is before the court on the following motions:

1. Defendant's Motion to Seal Portions of Its Response in Opposition to Plaintiff's Motion to Dismiss and supporting declaration [DE #327]; and
2. Plaintiff's Motion to Seal Portions of Defendant's Response in Opposition to Plaintiff's Motion to Dismiss, Plaintiff's Reply in Support of its Motion to Dismiss, Defendant's Response to Plaintiff's Motion to Stay and exhibits thereto, and Plaintiff's Motion for Leave to File a Reply in Support of its Motion to Stay and its proposed reply [DE #337].

The parties seek to seal the filings on the ground they contain confidential business and technical information, including information concerning third parties' processes for the manufacture of azoxystrobin and confidential communications and agreements with other entities, non-public legal matters, and "Syngenta's strategies on sales, marketing, generic competition, its patent portfolio, and evaluating potential illegal azoxystrobin products and potential infringement of and enforcement of its intellectual property" (Def.'s Mot. Seal [DE #327] at 2-3; Pl.'s Mot.

Seal [DE #337] at 2.) Where appropriate, the parties have filed proposed redacted versions of the documents, omitting the portions they contend should not be available to the public.

For the reasons set forth in the parties' motions and supporting memoranda, the court finds that the public's common law right of access is outweighed by the interests of the parties and third-party manufacturers in protecting against competitive and/or financial harm were such information made public. *In re Knight Publ'g Co.*, 743 F.2d 231 (4th Cir. 1984). Public notice of the parties' requests to seal and a reasonable opportunity to object have been provided by the filing of their motions, and no objections have been filed with the court. Moreover, the parties have narrowly tailored their requests to remove only information that is sensitive and confidential and not otherwise publicly known. Accordingly, the motions to seal are allowed.

CONCLUSION

For the foregoing reasons, the court GRANTS Defendant's motion to seal [DE #327] and Plaintiff's Motion to Seal [DE #337] and ORDERS as follows:

1. The following filings shall be SEALED:
 - a. Defendant's Response to Plaintiff's Motion to Dismiss [DE #319] and the proposed redacted version filed at DE #328;
 - b. Declaration of Randall Canady [DE #320];
 - c. Plaintiff's Reply in Support of its Motion to Dismiss [DE #334]. A redacted version of this filing is available to the public on the court's docket at DE # 338-4;

d. Defendant's Response to Plaintiff's Motion to Stay Discovery [DE #323]. A redacted version of this filing is available to the public on the court's docket at DE # 338-5;

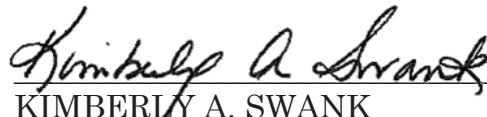
e. Exhibits 1, 2, 4, 5, 6, 8, and 9 to Declaration of Robert J. Scheffel [DE ## 324-1, 324-2, 324-4, 325-5, 324-6, 324-8, 324-9]. Redacted versions of these filings are available to the public on the court's docket at DE ## 338-6, 338-7, 338-8, 338-9, 338-10, 338-11, 338-12;

f. Plaintiff's Motion for Leave to File a Reply in Support of Motion to Stay [DE #335]. A redacted version of this filing is available to the public on the court's docket at DE # 338-13; and

g. Plaintiff's proposed Reply in Support of Motion to Stay [DE #335-1]. A redacted version of this filing is available to the public on the court's docket at DE # 338-14.

2. Within seven (7) days of the date this order is entered, the parties shall prepare and file a publicly available version of Defendant's Response to Plaintiff's Motion to Dismiss redacting the sealed information.

This 9th day of January 2022.

A handwritten signature in black ink, reading "Kimberly A. Swank", is written over a horizontal line.

KIMBERLY A. SWANK
United States Magistrate Judge